

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RENA AARO *individually,*
as Next Friend of C.C. and S.C.,
and as Personal Representative of the
ESTATE OF PATRICK AARO,

Plaintiff,

v.

Civ. No. 24-270 JMR/GBW

TRI STAR FREIGHT SYSTEM, INC.
and JOSE SANCHEZ,

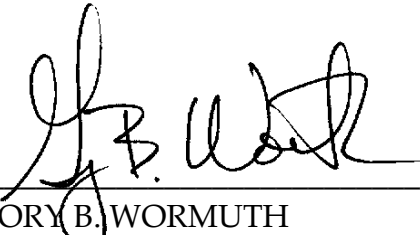
Defendants.

ORDER FOR SUPPLEMENTAL BRIEFING

THIS MATTER is before the Court on Plaintiff's Motion for Service by Alternative Means. *Doc. 14*. One central issue not raised in the parties' briefing is whether there has been a showing that Defendant Jose Sanchez has attempted to conceal himself to avoid or evade service of process. Under New Mexico law, service by publication in an *in personam* action is limited to "cases where the defendant, being aware that civil action may be instituted against him, attempts to conceal himself to avoid service of process." *Clark v. LeBlanc*, 593 P.2d. 1075, 1076 (N.M. 1979). Neither party discussed this requirement in their briefings on the Motion. *See docs. 14, 16, 17*.

IT IS THEREFORE ORDERED that, if Plaintiff wishes to submit additional briefing as to *Clark* and its progeny's application in this case, as well as any additional factual support of serving Defendant Sanchez by publication in Harris County, Texas,

and Riverside County, California, she has until **January 15, 2025**, to do so. If Defendant Tri-Star Freight wishes to submit additional briefing in response, it has **until January 22, 2025**, to do so.



GREGORY B. WORMUTH
CHIEF UNITED STATES MAGISTRATE JUDGE